REMARKS

The Examiner has rejected claims 16-20 under 35 U.S.C. §103 as unpatentable over Yacoub in view of Durst.

Claim 16 clearly distinguishes for the following reasons. Claim 16 recites that if the server cannot perform the service, using the transmitted executable data file, either the server or the client switches the client to a further server connected to the network capable of executing the service. The Examiner relies on Yacoub wherein depending on the preferences of the user the server automatically finds and selects the appropriate printer to print the job and thus can switch from one available printer to another available printer (paragraph 0024). But the claim recites switching to another server not another printer. Rather a printer connects to a server and the server controls the printer. With the present invention, the method is not switching from one printer to another, but rather switching from one server to another server where each of those servers may have its own respective printer. This is a substantial difference.

Claim 16 next recites providing an interpreter of the server, interpreting by the interpreter language elements executable at the server contained in the data file, executing by the interpreter the language elements executable at the server, and executing by the client language elements executable at the client contained in the data file. Claim 16 also recites that the data file is thus executable in the server and in the client. Clearly, Yacoub does not have this. Although the Examiner cites Durst, the interpreter feature for interpreting the language elements and the language elements executable at the server and the language elements executable at the client are not found in Durst. Thus Durst does not satisfy this missing deficiency of Yacoub.
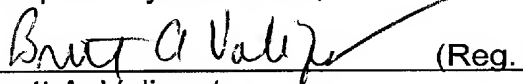
Claim 16 next distinguishes by reciting generating an address of a further server for said service switching said client to said further server when communicating the address to the client inquiring said server. This gives the client the ability to automatically switch to another server, but also allows the server to do the switching to another server but the client is not doing the switching from the first server to the second server. Yacoub, of course, cannot teach this since Yacoub is not switching from a first server to a second server but is only switching printers. Even if the printers were considered servers, which they are not, Yacoub does not disclose sending the address of the further server to the client so that then the client would have the capability of using the address of that further server to switch to the further server.

For all of the above reasons in combination, claim 16 readily distinguishes over Yacoub combined with Durst.

Dependent claims 17 and 18 distinguish at least for the reasons noted with respect to claim 16 and also by reciting additional features not suggested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Respectfully submitted,

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